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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

9 JAMES S. GORDON, JR., an individual ) NO. CV-04-5125-FVS  
10 residing in Benton County, Washington, )  
11 Plaintiffs ) DEFENDANT'S MOTION  
12 vs. ) TO DISMISS PURSUANT  
13 IMPULSE MARKETING GROUP, INC., ) TO FRCP 12(b)(6)  
14 a Nevada Corporation, )  
15 Defendants )

Defendant Impulse Marketing Group, Inc. now moves for dismissal pursuant to FRCP 12(b)(6). This motion is based upon the Declaration of David O. Klein, Esq. in Support of Defendant's Motion to Dismiss Plaintiff's Complaint, the Declaration of Phil Huston in Support of Defendant's Motion to Dismiss Plaintiff's Complaint, and the Memorandum of Law of Impuse Marketing Group, Inc. in Support of Motion to Dismiss Plaintiff's Complaint.

DATED this 10<sup>th</sup> day of January, 2005.

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE

By

~~FLOYD E. IVEY, WSBA #6888  
Local Counsel for Defendant~~

LIEBLER, IVEY, CONNOR, BERRY & ST. HILAIRE  
Attorneys at Law  
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Defendant's Motion to Dismiss Pursuant to FRCP  
12(b)(6) - 1.

1 KLEIN, ZELMAN, ROTHERMEL & DICHTER, LLP  
2

3 By *Peter J. Glantz by Floyd E. Ivey*  
4 PETER J. GLANTZ  
5 Attorneys for Defendant *With telephone*  
6 *and notary*

7 I hereby certify that a copy of the foregoing was  
8 sent via Pronto Legal Messenger Service this  
9 26<sup>th</sup> day of January, 2005, to:

10 Douglas E. McKinley, Jr.  
11 P.O. Box 202  
12 Richland, WA 99352

13 *Gina Surratt*  
14 Secretary to Floyd E. Ivey

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Defendant's Motion to Dismiss Pursuant to FRCP  
12(b)(6) - 2.

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